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*Party Poopers, Inc. and Marla Mase*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
LYONS PARTNERSHIP, L.P. AND HIT  
ENTERTAINMENT, INC.,

Plaintiffs,

Civil Action No: 07 CIV 7121  
(Judge Stanton)

v.

**ECF Case**

PARTY ART PRODUCTIONS INC., ROBERTA  
HERMAN, PHILIP HERMAN, PARTY POOPERS,  
INC., MARLA MASE, 57TH STREET PARTY  
CORP. D/B/A SAVE THE DATE, JENNIFER  
GILBERT, THE MAGIC AGENCY INC., SHELLEY  
CARROL, ERIC SILVEY D/B/A ERIC SILVEY  
ENTERTAINMENT,

Defendants.

-----X

**DECLARATION OF GARY ADELMAN IN SUPPORT**  
**OF DEFENDANTS PARTY POOPERS, INC. AND MARLA MASE IN OPPOSITION TO**  
**PLAINTIFFS' MOTION FOR RECONSIDERATION OF ORDER PERMITTING**  
**DEPOSITIONS OF COUNSEL AND FOR A PROTECTIVE ORDER**

I, GARY ADELMAN, declare as follows:

1. I am a member of the law firm Robinson Brog Leinwand Greene Genovese & Gluck, P.C., attorneys for Defendants Party Poopers, Inc., and Marla Mase (collectively "Defendants").

2. I make this declaration in support of Defendants opposition to Plaintiffs' Lyons

Partnership, L.P., and Hit Entertainment, Inc.'s (collectively "Plaintiffs") Motion for Reconsideration of Order Permitting Depositions of Counsel and for a Protective Order.

3. At a conference before the Court held on December 14, 2007 (the "Conference") Plaintiff's counsel Matthew A. Kaplan agreed to produce Ralph Sutton and Lisa K. Digernes for purposes of deposition. He merely suggested that with respect to Ms. Digernes a discovery tool other than depositions should be used.

4. At the Conference Plaintiffs' counsel did not object to the Courts position on the production of Ralph Sutton, Lisa K. Digernes and Mason Weisz.

5. At the Conference and the previous conference which was held on November 26, 2007 Plaintiffs' counsel did not set forth how the Court allegedly failed to take into consideration all of the relevant facts and circumstances to determine whether the proposed depositions would entail an inappropriate burden or hardship.

6. The first time Plaintiff's counsel brought forward these arguments and objections is in the papers supporting Plaintiffs' Motion for Reconsideration of Order Permitting Depositions of Counsel and for a Protective Order.

7. For the foregoing reason, the Defendants request that Plaintiffs' motion be denied.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

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Dated: New York, New York  
January 18, 2007

Respectfully submitted,

ROBINSON BROG LEINWAND GREENE  
GENOVESE & GLUCK, P.C.

By: /s/ \_\_\_\_\_  
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